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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ALEX DAI-SHUN POON

Appeal 2010-004037
Application 09/491,703
Technology Center 3600

Before MURRIEL E. CRAWFORD, HUBERT C. LORIN, and
ANTON W. FETTING, *Administrative Patent Judges*.

LORIN, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Alex Da-Shun Poon (Appellant) seeks our review under 35 U.S.C. § 134 (2002) of the final rejection of claims 9, 11-16, 25, 27-32, 41, 43-48, 58, 59, 62, 63, 66, 67, 71, 73, and 75. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

SUMMARY OF DECISION

We AFFIRM.¹

THE INVENTION

The invention relates to facilitating category selection in a computerized auction.

Claim 9, reproduced below, is illustrative of the subject matter on appeal.

9. A method to facilitate category selection by a user in a computerized transaction, said method comprising:

providing a plurality of category entries to be displayed for said user in a category field within a display window, said plurality of category entries being used to categorize an item in said computerized transaction;

detecting selection by said user of a category entry of said plurality of category entries;

responding to said detection of said selection of said category entry, providing a plurality of subcategory entries being hierarchically related to said selected category entry within a category hierarchy data structure, to be hierarchically displayed for said user in at least one subcategory field within said display window, concurrently with said category field, said plurality of subcategory entries being used to categorize said item in said transaction; and

providing a category number associated with said selected category entry to be displayed for said user in said display window.

¹ Our decision will make reference to the Appellant's Appeal Brief ("Br.," filed Sep. 8, 2009) and the Examiner's Answer ("Answer," mailed Nov. 27, 2009).

THE REJECTIONS

The Examiner relies upon the following as evidence of unpatentability:

Linden	US 2005/0071251 A1	Mar. 31, 2005
Greef	US 6,397,221 B1	May 28, 2002

The following rejections are before us for review:

1. Claims 9, 11-15, 25, 27-31, 41, and 43-47 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Greef.
2. Claims 16, 32, 48, 58, 59, 62, 63, 66, 67, 71, 73, and 75 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Greef and Linden.

ISSUES

Did the Examiner correctly characterize the scope and content of Greef in finding that it discloses the claim limitation “responding to said detection of said selection of said category entry, providing a plurality of subcategory entries being hierarchically related to said selected category entry within a category hierarchy data structure, to be hierarchically displayed for said user in at least one subcategory field within said display window, concurrently with said category field, said plurality of subcategory entries being used to categorize said item in said transaction?”

Did the Examiner correctly characterize the scope and content of Greef in finding that it discloses the claim limitation “providing a category number associated with said selected category entry to be displayed for said user in said display window?”

FINDINGS OF FACT

We rely on the Examiner's factual findings stated in the Answer.
Additional findings of fact may appear in the Analysis below.

ANALYSIS

The rejection of claims 9, 11-15, 25, 27-31, 41, and 43-47 under 35 U.S.C. § 103(a) as being unpatentable over Greef.

The Appellant argued claims 9, 11-15, 25, 27-31, 41, and 43-47 as a group (Br. 10-12). We select claim 9 (see *supra*) as the representative claim for this group, and the remaining claims 11-15, 25, 27-31, 41, and 43-47 stand or fall with claim 9. 37 C.F.R. § 41.37(c)(1)(vii) (2007).

The Appellant argues that Greef does not disclose the claim limitation “responding to said detection of said selection of said category entry, providing a plurality of subcategory entries being hierarchically related to said selected category entry within a category hierarchy data structure, to be hierarchically displayed for said user in at least one subcategory field within said display window, concurrently with said category field, said plurality of subcategory entries being used to categorize said item in said transaction” (claim 9) as the Examiner has alleged. Br. 10-11. The Appellant points out that “[t]he Final Office Action, at page 3, alleges that this limitation is disclosed by Greef at col. 7, lines 31-44, col. 29, line 40 - col. 30, line 60, and col. 31, lines 18-59.” Br. 10. The Appellant then reproduces said cited passages and reaches the conclusion that the claim limitation at issue is not disclosed there.

The Examiner responded to the Appellant’s Brief by adding that the claim limitation at issue is shown in col. 2, ll. 61-67 and col. 3, ll. 1-6.

There is no reply from the Appellant.

We have reviewed col. 2, ll. 61-67 and col. 3, ll. 1-6. The passage is reproduced below:

As an alternative to relational databases, however, it has been found that even shoppers having different product familiarity and backgrounds are commonly able to easily and quickly extract desired product information from database that are hierarchically arranged and presented. As an illustration, where a shopper is looking for specialty apples; for example, from a gourmet site, he can more readily make progress with his selection if he looks first at foods, then fruits, and then apples as he progress to his selection. At the least, the approach of moving from generally understood category to subcategory and sub-subcategory avoids the risk of causing the uninitiated shopper to mistakenly compare apples and oranges when trying to make his purchase selection.

The passage describes shoppers extracting product information from a database (cf. claim 9: “responding to said detection of said selection of said category entry) that are hierarchically arranged and presented (cf. claim 9: “providing a plurality of subcategory entries being hierarchically related to said selected category entry within a category hierarchy data structure.”) The passage then goes on to illustrate how a shopper may look for specialty apples on a gourmet site by “moving from generally understood category to subcategory and sub-subcategory avoids the risk of causing the uninitiated shopper to mistakenly compare apples and oranges when trying to make his purchase selection” (*ibid.*) (cf. claim 9: “to be hierarchically displayed for said user in at least one subcategory field within said display window, concurrently with said category field, said plurality of subcategory entries being used to categorize said item in said transaction.”)

Based on our review of this passage, we find that the Examiner correctly characterized the scope and content of Greef in finding that it discloses the claim limitation “responding to said detection of said selection of said category entry, providing a plurality of subcategory entries being hierarchically related to said selected category entry within a category hierarchy data structure, to be hierarchically displayed for said user in at least one subcategory field within said display window, concurrently with said category field, said plurality of subcategory entries being used to categorize said item in said transaction.”

The Appellant also argued that Greef does not disclose the claim limitation “providing a category number associated with said selected category entry to be displayed for said user in said display window.” Br. 12. The Examiner responded by directing the Appellant to col. 18, ll. 42-46. Answer 9-10. The Appellant did not reply.

We have reviewed col. 18, ll. 42-46. It states there: “In preferred form, the record identifier could be selected to be, for example, the tabular attribute model number, the model number for the product being an identifier likely to receive recognition across presentation formats.”

The Examiner has taken the position that the term “category number” as used in the claim reads on Greef’s “model number.” Answer 9-10. In that regard, the Specification does not expressly define “category number.” It can be represented by a number. See Specification 55:28-32. Thus, the claim term “category number” is reasonably broadly construed as covering a number. Greef’s “model number” is also a number. Accordingly, we see no error in the Examiner’s position that the term “category number” as used in the claim reads on Greef’s “model number.” Given this, the passage at col.

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18, ll. 40-42, describes presenting a number for recognition to “enable[] the user to select a tabular product attribute to act as general identifier for products in the hierarchical frame structure” and thereby discloses “providing a category number associated with said selected category entry to be displayed for said user in said display window” (claim 9) as claimed.

For the foregoing reasons, we find that the Examiner correctly characterized the scope and content of Greef in finding that it discloses the claim limitation “providing a category number associated with said selected category entry to be displayed for said user in said display window” (claim 9).

Claims 16, 32, 48, 58, 59, 62, 63, 66, 67, 71, 73, and 75 under 35 U.S.C. §103(a) as being unpatentable over Greef and Linden.

The Appellant relies on the arguments made in challenging the rejection of claims 9, 11-15, 25, 27-31, 41, and 43-47 under 35 U.S.C. § 103(a) as being unpatentable over Greef. Br. 13. Those arguments were found unpersuasive. See above. Accordingly, because we found them unpersuasive as to that rejection, we find them equally unpersuasive as to error in the rejection of claims 16, 32, 48, 58, 59, 62, 63, 66, 67, 71, 73, and 75 under 35 U.S.C. §103(a) as being unpatentable over Greef and Linden.

DECISION

The decision of the Examiner to reject claims 9, 11-16, 25, 27-32, 41, 43-48, 58, 59, 62, 63, 66, 67, 71, 73, and 75 is affirmed.

AFFIRMED

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JRG